

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JOHN B. KIMBLE, ) CASE NO. 5:12CV00110

Plaintiff, ) REPORT AND RECOMMENDATION

v. )

DEAN WITHERS, et al., ) By: B. WAUGH CRIGLER  
Defendants. ) U.S. MAGISTRATE JUDGE

Plaintiff, who is proceeding *pro se*, has brought this action against the defendants as executor of his mother's estate. By Order dated January 8, 2013, plaintiff was given until January 31, 2013 to secure counsel of record and file an amended complaint with a more definite statement of his claims.<sup>1</sup> It appearing plaintiff has failed to comply with the order of January 8, 2013, it hereby is

RECOMMENDED

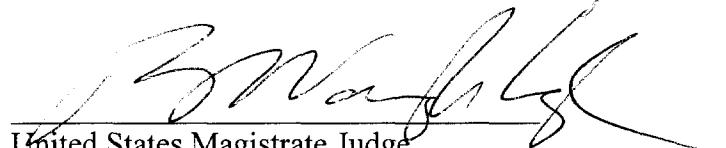
that plaintiff's Complaint be DISMISSED for failure to prosecute the case.

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within fourteen (14) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed

<sup>1</sup> *Pro se* litigants may only file claims personal to them.

by any reviewing court as a waiver of such objection. The Clerk is directed to transmit a certified copy of this Report and Recommendation to all counsel of record and to plaintiff at his last known address.

ENTERED:



J. Brian Murphy  
United States Magistrate Judge

2-5-2013  
Date